

Appl. No. : 09/771,043
Filed : January 26, 2001

REMARKS

Claims 4, 7, and 10 are now pending in this application. Applicants respectfully request reconsideration of the application in view of the following remarks.

Rejection under 35 U.S.C. § 102(b)

Claims 4, 7, and 10 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Kawai, et al.

The Examiner has stated that Applicants' argument in the previous response is not convincing because the polymer comprises monomer which are composed of bases and ribose ring, and the bases comprise unsaturated bonds.

The Examiner seems to overlook the limitation that the base is selected from the group consisting of thymine, a thymine derivative, uracil and a uracil derivative. Kawai, et al. are silent about the immobilization of the nucleic acid which has a polymer comprising a compound having an unsaturated bond, said polymer being bonded to the 3' end or 5' end or both ends of the nucleic acid, said polymer being a polymer of a monomer having *a base selected from the group consisting of thymine, a thymine derivative, uracil, and a uracil derivative*, with an average degree of polymerization of the polymer being not less than 3 and not more than 100.

In addition, the Examiner has stated that Table 1 shows a Bio-M4 where a polymer is composed of 4 thymine based bound to the 5' end of the nucleic acid.

However, the probe Bio-M4 was not immobilized on the substrate. As is clear from the description on page 66, right column, 2nd line from the bottom to page 67, left column, line 3 of Kawai, et al., the probe Bio-M4 was used for estimation of the relative number of hybridizable immobilized probes, and was just a hybridization probe. Kawai, et al. do not teach or even suggest the immobilization of the probe Bio-M4 on the substrate.

In view of Applicants' arguments above, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

CONCLUSION

In view of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 17, 2004

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